

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT SAUNDERS,

Defendant Below-  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-  
Appellee.

§

§ No. 63, 2009

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§ Court Below—Superior Court

§ of the State of Delaware

§ in and for New Castle County

§ Cr. ID No. 89008879DI

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**ORDER**

This 5th day of August 2009, it appears to the Court that, on April 16, 2009, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and appendix. The appellant responded to the notice to show cause on April 24, 2009. On May 21, 2009, the Clerk sent a letter to the appellant acknowledging his response and informing him that the notice to show cause would be held in abeyance pending the filing of the opening brief. The Clerk further informed the appellant that, should the opening brief and appendix not be filed on or before August 3, 2009, the Court would deem the dismissal of his appeal to be unopposed. The appellant has failed to file

his opening brief by the deadline set by the Court. Therefore, dismissal of the appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice